

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-30 and 32-59 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and remarks as set forth below.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 1-29 and 51-56 as being allowable. It is also acknowledged that the Examiner considers the subject matter of claims 31, 32, 35, 36, 40 and 42 as being allowable if rewritten in independent form. While not conceding the appropriateness of the Examiner's rejections, claim 30 is amended to include the limitations of claim 31. Accordingly, claims 30, 32-48 and 57-59 are also now in condition for allowance.

Information Disclosure Statement

As discussed in the February 6, 2004 and July 6, 2004 replies, it is noted that Information Disclosure Statements were submitted on August 3, 2001 and September 28, 2001. While the Examiner has returned an initialed copy of the August 3, 2001 IDS, the initialed PTO-1449 form has not been returned for the September 28, 2001 IDS. Applicants again request that the documents submitted in this IDS be

considered and that the Examiner note that this Information Disclosure Statement has been considered by providing an initialed copy of the Form PTO-1449.

Rejection Under 35 USC §103

Claims 30, 33, 34, 37, 39-41, 43-48 and 57-59 stand rejected under 35 USC §103 as being over Shaffer et al. (U.S. Patent 5,429,123). This rejection is respectfully traversed. Since claim 30 has been amended to include the limitations of claim 31, Applicants submit that this claim is allowable rendering this rejection moot.

Rejection Under 35 USC §112

Claims 49 and 50 stand rejected under 35 USC §112, second paragraph, as being indefinite. The Examiner states that the claims recite computer programs adapted to determine parameters according to claim 1 and also points out that claim 1 does not recite method steps. By way of the present amendment, Applicants have rewritten claims 49 and 50 to avoid a reference to claim 1. Claim 49 now describes a computer system as well as other apparatus being used for the system. In view of this change, Applicants submit that the indefiniteness rejection no longer applies. Likewise, claim 50 now only refers to claim 49 and likewise avoids this indefiniteness.

Conclusion

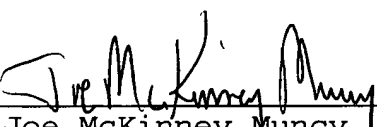
In view of the above remarks, it is believed that the claims are now in allowable form. In view of this, reconsideration of the rejections and allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Joe McKinney Muncy, #32,334
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

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